

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION


WACHOVIA SBA LENDING, INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 3:09-0976
)	
ELITE EDUCATION HOLDINGS, INC.,)	Hon. Aleta A. Trauger
HOWARD B. BALL, and JACQUELINE)	
D. BALL,)	
)	
Defendants.)	

DEFAULT JUDGMENT

This matter is before the Court on the motion of the Plaintiff, Wachovia SBA Lending, Inc. (“Wachovia”), for entry of default judgment, pursuant to Rule 55, Federal Rules of Civil Procedure, against Defendants Howard B. Ball (“Mr. Ball”) and Jacqueline D. Ball (“Mrs. Ball”). Based on the entire record before it, the Court finds that Mr. and Mrs. Ball have been validly served pursuant to Rule 4, Federal Rules of Civil Procedure, that Mr. and Mrs. Ball have failed to plead or otherwise defend as required by the Federal Rules of Civil Procedure and that Wachovia is entitled to a Judgment by default. Accordingly, it is **ORDERED** that judgment be entered against Mr. and Mrs. Ball in the amount of \$1,435,731.84, plus a contract per diem rate of \$170.40 from December 17, 2009, through the date of entry of this Judgment, plus court costs, costs of collection and post-judgment interest at the highest rate allowed by law, for which execution may issue. The Court further finds that no just reason exists to delay entry of this Judgment as a final judgment on Wachovia’s claims against Mr. and Mrs. Ball in this action, and, accordingly, it is **ORDERED** that, pursuant to Rule 54(b), Federal Rules of Civil

Procedure, this Judgment shall constitute a final judgment on Wachovia's claims against Mr. and Mrs. Ball in this action.

IT IS SO ORDERED this 19th day of January, 2010.



HON. ALETA A. TRAUGER
UNITED STATES DISTRICT JUDGE

Submitted for entry,

/s/ Austin L. McMullen

Roger G. Jones (No. 11550)

Austin L. McMullen (No. 20877)

BRADLEY ARANT BOULT CUMMINGS, LLP

1600 Division Street, Suite 700

P.O. Box 340025

Nashville, Tennessee 37203

(615) 244-2582

AMcMullen@BABC.com

Attorneys for Plaintiff